

REMARKS

Claims 18-40 are pending in the application and presented for examination; claim 31 has been objected to; claims 18-29 have been rejected under 35 U.S.C. 102(b) as anticipated by Duffy (PCT Patent Publication 01/06740; claims 30-40 have been rejected under 35 U.S.C. 103(a) as unpatentable over Duffy. Applicants respectfully request entry of this amendment and allowance of the present application in view of the claim amendments set forth above and the following remarks.

Response to Claim Objection:

Claim 31.

Claim 31 has been objected to due its dependency on itself.

The Applicants have amended the dependency of claim 31, as set forth above, to overcome this objection.

Response to Rejections Under Section 102:

Claims 18-29.

Claims 18-29 have been rejected under Section 102(b) over the PCT International Publication Number WO 01/06740 (Duffy).

Within this claim group, claims 18 and 28 are independent claims, with claims 19-27 depending from claim 18 and claim 29 depending from claim 28.

Independent claim 18 has not been amended from the version supplied by the Preliminary Amendment filed on July 18, 2006. The Duffy reference does not disclose at least the following elements with the features as claimed in claim 18: the channel send-receive unit, the data insertion-extraction unit, the operating mode switchover unit and the conditions under which signaling data is processed. Although the Duffy reference relates generally to integration of an IP (packet-switched) and a PBX (circuit-switched) telephone system, it does not disclose details of the Applicants' invention as claimed. Certainly the portions of the Duffy reference specifically referred to by the Examiner in support of the rejection do not disclose the Applicants' claim elements.

Further, the rejection is not in compliance with the Code of Federal Regulations and the Patent Office rules as set forth in the MPEP. MPEP Section 707.07(d) requires that "Where a claim is refused for any reason relating to the merits thereof it should be "rejected" and the ground of rejection fully and clearly stated." As this MPEP section later states, "An omnibus rejection of the claim should be avoided."

MPEP Section 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." The rejections set forth in the instant Office Action have not been clearly articulated. Instead the Examiner has quoted the claim language and simply refers to sections of the Duffy reference by page and line number or figure number.

The Code of Federal Regulations at 37 CFR 1.104 (c)(2) further requires that "[t]he pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

In rejecting claim 18, the Examiner has merely quoted verbatim the claim language and referred to four sections of the Duffy reference and three Duffy figures. No where has the Examiner explained the relevance of the cited sections nor "fully and clearly stated" the relationship between the cited sections of Duffy and the Applicant's claims. In fact, the Applicants cited the Duffy reference in an Information Disclosure Statement to the Office and diligently and carefully drafted claims to avoid the disclosures of the Duffy reference.

For all of these reasons the Examiner is requested to allow claim 18.

Regarding claims 19-27 depending from claim 18, these claims are believed to be in allowable condition for the same reasons that claim 18 is allowable and further each claim sets forth additional elements that further distinguish the claim. The rejection of these claims is also deficient in that the Examiner has merely quoted the claim language and referred to a section of the Duffy reference. No where has the Examiner set forth the rejection with the required particularity.

The rejection of claims 28 (independent) and 29 (dependent) is similarly deficient in that the rejections have not been set forth with the required specificity and further the claim elements do not appear in the Duffy reference, nor in particular in the cited material from the Duffy reference.

Response To Rejections Under Section 103:

Claims 30-40.

Claims 30-40 have been rejected under Section 103(a) over the PCT International Publication Number WO 01/06740 (Duffy).

Within this claim group, claim 38 is an independent claim with claims 39 and 40 depending therefrom. Claims 30-37 are dependent claims depending from claim 28, the rejection of which is discussed above.

In rejecting claims 30 and 38, the Examiner “has taken office notice that it is notoriously well known to switched back to normal operating mode after reactivate or restored.” While the Examiner is correct in asserting that it is well known to switch back to a normal operating mode after certain operating conditions have been satisfied, these claims include other limitations that are not even addressed by the Examiner, and therefore, no *prima facie* case for obviousness of these claims has been established. Claim 30 depends from claim 29, which in turn depends from claim 28. As the Applicants argued above, the elements of dependent claims 28 and 29 are not disclosed in the prior art and thus claim 30 is in allowable condition.

The rejection of dependent claims 31-37 is overcome by the patentability of claim 30 from which these claims depend and further each claim sets forth additional patentable features not disclosed in the Duffy reference. The rejections of claims 31-37 is also deficient due to the Examiner’s failure to state the rejections with particularity. Citing lines of text from the Duffy reference and concluding therefore that the claim is not patentable fails to present arguments as to why the Applicant’s invention is not patentable. Mere conclusions are not arguments in support of the Examiner’s position.

Claim 38 is an independent method claim with twelve method steps. Many of these steps (e.g., receiving signaling data, tunneling signaling data, converting the received circuit-switched signaling protocol and the steps associated with the emergency operating mode) are not disclosed by Duffy. Further, the Examiner has failed to meet the burden of a clear rejection. In fact, other than the “office notice” mentioned above, no sections of the Duffy reference were applied against claim 38.

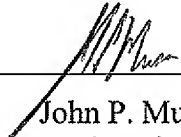
Dependent claims 39 and 40 are believed to be allowable for the same reasons as claim 38 from which they depend and claim other patentable features of the invention.

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16(c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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